

REMARKS/ARGUMENTS

Claims 1, 5, 6, were amended. Claims 2, 3, 4, 7-15 remain unchanged. Claims 16-28 were previously withdrawn, as being drawn to a non-elected invention. The election was made without traverse.

Claims 1, 5 and 6 were amended to correct the informalities pointed out in the 35 USC §112 rejection. It is believed that with these amendments the 35 USC §112 rejection is overcome.

Claims 1-15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Benson (US 6,747,547) in view of Chung (US 7,036,730). Applicant respectfully traverses this rejection and it is respectfully suggested that this rejection does not meet the Patent Office's burden of providing prima facie showing of unpatentability for the following reasons.

A. As the Examiner admitted, the cited Benson reference does not teach connecting a smart card reader module to the mobile device via the SIM card slot where the smart card reader reads information stored in an external smart card without contacting the external smart card, i.e., the smart card reader is not a "contactless smart card reader". Referring to the cited Benson reference column 6, lines 1-24, the alternative battery and apparatus back pack 2 includes a CPU 10 connected to the existing phone SIM socket 12. Also connected to the CPU is an OSIM interface 19 and an ESIM interface 22. The ESIM interface 22 includes an ESIM connector 23 that "may be a SMART card reader". In other words, the Benson reference does not teach a "contactless" smart card reader.

B. It was then argued that "Chung teaches that contactless smart cards are an option in conjunction with smart card readers and writers that is contactless so that the smart card would reside outside of the device or reader, so that it does not contact the reader or device". It was further argued that it would have been obvious to one of ordinary skill in the art to combine the teachings of Benson with the teachings of Chung. However, the

Examiner did not mention that the Chung invention is about a voting machine and not about a wireless mobile device. As shown in FIG. 1A of Chung voting machines VM-1, VM-2,...VM-n are associated with decoder readers/writers RW-1, RW-2,RW-n, respectively. In order to vote a voter inserts an optional smart card SC into the reader/writer RW(See column 4, lines 47-67). Furthermore, voting machine VM is not in connection with any wireless network and accordingly the smart card reader/writer module RW cannot transmit the information that was stored in the smart card to an entity via a wireless network, as was claimed in claim 1 of the present invention. Since a voting machine has nothing to do with a wireless communication device and Chung's voting machine does not have the capability of transmitting information stored in the smart card via a wireless network, it is believed that it would not have been obvious to combine the teachings of Chung with the teachings of Benson. Furthermore, there is no suggestion, motivation or reason cited in either Chung or Benson for such an unobvious combination. Accordingly, it is believed such a combination would not have been obvious to a person of ordinary skill in the art.

C. Furthermore, preservation of voter anonymity is crucial in the voting process and therefore Chung teaches that "preferably, the voting information stored in the smart card SC is written over any identifying information relating to the particular voter or such information is erased by the voting machine VM, thereby assuring that identity of the voter cannot be ascertained from the information stored in voting machine VM, in smart card SC and on printed receipt PR" (See column 6, lines 40-46). Contrary to that the present invention teaches identifying and authenticating the user to a remote entity via the information stored in the SIM card of the wireless communication device or in the contactless card. This user identification and authentication is crucial in commerce applications as described in the present invention. Accordingly, it is believed that Chung teaches away from the present invention.

Based on the above mentioned reasons A, B and C we conclude that not only there is no motivation, suggestion or reason for combining Benson's teachings with the teachings of Chung, such a combination would be contrary to the teachings of Chung. Accordingly,

it is believed that claim 1 is patentably distinguishable from Benson and/or Chung alone or in combination and the 35 U.S.C. §103(a) rejection is overcome.

Claims 2-15 depend directly or indirectly upon claim 1 and since claims 1 are patentably distinguishable from the cited prior art they should also be distinguishable from the cited prior art either alone or in combination with any other prior art.

It is believed that all of the pending claims have been addressed in this paper. Failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. Nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

In view of the above, it is submitted that claims 1-15 are in condition for allowance. Reconsideration of the claims rejection is requested and allowance of all claims at an early date is solicited.

If this response is found to be incomplete, or if a telephone conference would otherwise be helpful, please call the undersigned at 617-558-5389

Respectfully submitted,

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I hereby certify under 37 CFR 1.10 that this correspondence is being electronically submitted on the date indicated above and is addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450